

E-Filed 6/9/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOSEPH HENNING,

Plaintiff,

v.

WACHOVIA MORTGAGE, FSB,

Defendant.

Case Number 5:10-cv-03692-JF (PSG)

ORDER GRANTING PLAINTIFF'S
MOTION TO VACATE JUDGMENT
AND TO TRANSFER CASE

[re: dkt entry 68]

For good cause shown, the judgment entered in this case on May 17, 2011 is hereby VACATED. Plaintiff timely opted out of the class action settlement approved in *In re Wachovia Corporation*, Case No. 5:09-md-02015-JF (PSG); accordingly, his action was terminated in error. The Clerk of the Court shall reopen case no. 5:10-cv-03692-JF (PSG), and thereafter it shall transfer the case back to the District of Massachusetts.

IT IS SO ORDERED.

DATED: 6/9/2011

JEREMY FOGEL
United States District Judge